

In Re: Application of: Presby, D.W.
Means For Coupling Conduit

Page No. 9
Ser. No. 09/982,507

REMARKS

This amendment, Paper No. 11, is submitted in response to the Official Action, Paper No. 10, dated March 15, 2004. Due to the restriction requirement, only claims 1-25 were considered on the merits of the Official Action. Claims 26-52 were withdrawn and have now been canceled so that the case can be allowed.

The Abstract

The abstract has been amended per Examiner's instructions. On line 3, "said" has been replaced by "the". The first sentence has also been amended. While the abstract "should avoid" using phrases that can be implied, such as "the disclosure concerns", Applicant believes English sentence structure should also be maintained. Thus, the first sentence has been amended to: "Couplers...are disclosed." to maintain the first sentence as a complete sentence. Hopefully this amendment will meet with Examiner's approval.

The Claims

Several claims have been amended, some to overcome Examiner's objections to the claims, some simply to clarify the language of the claims. For instance, the claims have all been amended to include consistent language that the coupler of the present invention is used for coupling "drainage" conduit, per one of Examiner's suggestions in a telephonic discussion with Examiner on 26 June 2003.

Claims 1 and 16 have also been amended. Claim 1 has been amended to include the limitation of allowable but objected to claim 11, including the means for regulating flex of the hinge region. Claim 11 has been canceled. Claim 16 has also been amended to include the means for regulating flex of the hinge region, by adding the limitation of allowable but objected to claim 24. Claim 24 has been canceled.

NOT AVAILABLE COPY

In Re: Application of: Presby, David, W.
Means For Coupling Conduit

Page No. 10
Ser. No. 09/982,507

Claim Objections

Applicant has amended claims 2, 3, 8, 9, 12-15, 21, 22, and 25 to insert "drainage" before "conduit", and in addition has amended claims 14, 15, and 25 to replace "plurality of corrugations" with "at least one corrugation", such that all claims are consistent in reference to elements of the claims.

No new matter has been added by the amendments to address Examiner's objections. The claim language has simply been clarified and made more concise. Thus, the objections have been overcome. Therefore, Applicant respectfully requests that Examiner withdraw the objections.

35 USC § 103(a)

Claims 1-9 and 16-22 stand rejected under 35 USC § 103(a) as being unpatentable over Hall (US 4,149,740) in view of Pate et al. (US 4,440,425).

Applicant traverses the rejections and respectfully requests reexamination and reconsideration of the claims, as amended and based on the arguments below.

With respect to claim 1, Examiner asserts that Hall discloses a coupler for coupling drainage conduit comprising first and second arcuate coupling members coupled around adjacent ends of aligned conduit and attachable to each other to close the coupler and secure the ends of the aligned drainage conduit together in fluid flow communication. Examiner goes on to say that Hall discloses that a coupler may be a single piece, to couple small conduits, and that Pate et al. discloses a one-piece corrugated connector sleeve for coupling adjacent ends of aligned corrugated conduit. Examiner thus asserts that it would have been obvious to modify a one-piece embodiment of Hall with the hinge and fastening means of Pate et al.

Per Examiner's indication of allowable subject matter in the Final Official Action, and a telephonic discussion with Examiner on Friday, May 28, 2004, claim 1 has been amended

NOT AVAILABLE COPY

In Re: Application of: Presby, David, W.
Means For Coupling Conduit

Page No. 11
Ser. No. 09/982,507

to include allowable but objected to claim 11. Claim 1, as amended, includes a means for regulating flex of the hinge region, to prevent over-flexing and/or breakage at the hinge region. Neither Hall nor Pate et al. disclose, suggest, or teach any means to prevent over-flexing at a hinge region of a single piece coupler during "opening" of a coupler for installation or removal of a coupler. Because there is no teaching or suggestion in either cited reference for the flex regulating means of the present invention the rejection of claim 1 has been overcome.

With respect to claims 2-10 and 12-15, because claim 1 contains subject matter not taught or suggested by either Hall or Pate et al., the invention including the additional elements introduced in claims 2-10 and 12-15, in combination with claim 1, is not taught or suggested by Hall or Pate et al. Applicant therefore respectfully requests withdrawal of the rejections and allowance of claim 1, as amended, and its dependent claims, as amended, 2-10 and 12-15. Claim 11 has been canceled.

With respect to claim 16, Examiner asserts that Hall discloses a coupler for coupling corrugated drainage conduit comprising first and second arcuate and corrugated coupling members coupled around adjacent ends of aligned corrugated conduit and attachable to each other to close the coupler and secure the ends of the aligned drainage conduit together in fluid flow communication. Examiner goes on to state that Hall discloses that a coupler may be a single piece, to couple small conduits, and that Pate et al. discloses a one-piece corrugated connector sleeve for coupling adjacent ends of aligned corrugated conduit. Examiner thus asserts that it would have been obvious to modify a one-piece embodiment of Hall with the hinge and fastening means of Pate et al.

Per Examiner's indication of allowable subject matter in the Final Official Action, and a telephonic discussion with Examiner on Friday, May 28, 2004, claim 16 has been amended to include allowable but objected to claim 24. Claim 16, as amended, includes a means for regulating flex of the hinge region, to prevent over-flexing and/or breakage at the hinge region. Neither Hall nor Pate et al. disclose, suggest, or teach any means to prevent over-flexing at a hinge region of a single piece coupler during "opening" of a coupler for installation

11-15 AVAILABLE COPY

In Re: Application of: Presby, David, W.
Means For Coupling Conduit

Page No. 12
Ser. No. 09/982,507

or removal of a coupler. Because there is no teaching or suggestion in either cited reference for the flex regulating means of the present invention the rejection of claim 1 has been overcome.

With respect to claims 17-23 and 25, because claim 16 contains subject matter not taught or suggested by either Hall or Pate et al., the invention including the additional elements introduced in claims 17-23 and 25, in combination with claim 16, is not taught or suggested by Hall or Pate et al. Applicant therefore respectfully requests withdrawal of the rejections and allowance of claim 16, as amended, and its dependent claims, as amended, 17-23 and 25. Claim 24 has been canceled.

No new matter has been added to the claims as amended. Allowable dependent claims have been re-written in independent form, per Examiner's suggestions in the Final Official Action and in the telephonic discussion of May 28, 2004. The remaining claims depend from now-allowable base claims, proper dependency has been checked, and the re-written allowable dependent claims (11 and 24) have been canceled.

Allowable Subject Matter

Claims 10 - 15 and 23 - 25 stand objected to as being dependent upon a rejected base claim, but would be allowable if re-written in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates Examiner's indication of allowable subject matter.

Claims 11 and 24 have been re-written in independent form, being incorporated into claims 1 and 16 respectively. Applicant has at this time, amended the base claims 1 and 16 to include the flex regulating means at the hinge region. Applicant has also presented explanation and argument in connection with the amendments to claims 1 and 16 to overcome the rejections of these claims. Claims 1 and 16, as amended, are not taught or suggested by either Hall or Pate et al. Claims 11 and 24 have been canceled.

In Re: Application of: Presby, David, W.
Means For Coupling Conduit

Page No. 13
Ser. No. 09/982,507

Therefore, Applicant respectfully requests reexamination and reconsideration of the base claims, and all other claims, as amended.

No new matter has been added in the claim amendments.

Conclusion

Applicant has amended the abstract and many claims and has overcome the objections to, and rejections of, the claims. Applicant maintains that the claims are now allowable. Therefore, Applicant respectfully requests reconsideration of the Application, and withdrawal of the rejections such that the application is now in condition for allowance. Any fees due in connection with this response are included herewith.

Respectfully submitted,



Attorney for Applicant
Registration No. 41,907
Dishong Law Offices
40 Bryant Road
Jaffrey, NH 03452
1-231-275-3799

BEST AVAILABLE COPY